

ENTERED

March 01, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
§
VS. § MAG. JUDGE NO. 2:17-MJ-203-2
§
NESTOR MARIANO VIDAL-BATISTA §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). Detention of defendant NESTOR MARIANO VIDAL-BATISTA pending trial in this case is necessary because there is a serious risk that the defendant will not appear.

The evidence against the defendant meets the probable cause standard. The defendant is a citizen of Cuba. The defendant has an active immigration detainer. If the defendant were released on bond in the present criminal action, he would not be released from custody. Rather, he would be turned over to the immigration authorities and possibly deported or removed from the United States. The findings and conclusions contained in the Pretrial Services Report are adopted. However, the defendant may move to re-open the detention hearing if the immigration detainer is lifted or otherwise resolved.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 1st day of March, 2017.

Jason Libby
Jason B. Libby
United States Magistrate Judge